

**PLANT
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1464-002

First Inventor Dale E. HERMAN

Title Birch Tree Named 'VerDale'

Express Mail Label No. EV207753133US

19270 U.S. PTO
10/768784

ASSIGNEE: NDSU Research Foundation
Fargo, North Dakota

ADDRESS TO: Assistant Commissioner of Patents
Box Patent Application
Washington, D.C. 20231

APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i>		7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
2. <input checked="" type="checkbox"/> Applicant claims small entity status.		8. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i>
3. <input checked="" type="checkbox"/> Specification Total pages [6] <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> - Descriptive title of the invention (with Plants name) - Cross references to Related Applications - Statement Regarding Fed sponsored R&D - Latin name of genus and species - Variety denomination - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings - Detailed Botanical Description - Claim (only one (1) permitted MPEP 1605) - Abstract of the Disclosure 		<input type="checkbox"/> Power of Attorney 9. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> 10. <input type="checkbox"/> Information Disclosure Statement /PTO 1449 <input type="checkbox"/> Copies of IDS Citations 11. <input type="checkbox"/> Preliminary Amendment 12. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 13. <input type="checkbox"/> Certified Copy of Priority Document(s). <i>(if foreign priority is claimed)</i> 14. <input type="checkbox"/> Request and Certification under 35 USC 122(b)(2)(B)(i) 15. <input checked="" type="checkbox"/> Other: Certificate of Express Mailing by Label EV207753133US
4. <input checked="" type="checkbox"/> Color Drawing(s) (Total Sheets) [6] <i>(2 copies required - 37 CFR 1.165(b))</i>		
5. <input checked="" type="checkbox"/> Oath or Declaration (Total Pages) [] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application <i>(37 CFR 1.63(d))</i> <i>(for continuation/divisional with Box 16 completed)</i>		
<i>i</i> <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)		Note: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification..
6. <input checked="" type="checkbox"/> Application Data Sheet.		

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

[] Continuation [] Divisional of prior application No.:

Prior application information: Examiner _____

Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/>	Customer Number or Bar Code Label 32905				
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898
Name	Robert J. Jondle, Reg. No. 33,915				
Signature				Date	January 30, 2004

FEE TRANSMITTAL for FY 2003 (Small Entity)

		<i>Complete if Known</i>	
		Application Number	10/
		Filing Date	
		First Named Inventor	Dale E. HERMAN
		Examiner Name	
		Group Art Unit	
Total Amount of Payment	(\$305.00)	Attorney Docket Number	1464-002

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 50-2368 in the name of Jondle & Associates P.C.
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status.

2. Payment Enclosed:

- Check
- Credit Card

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[]
2052	25	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
2251	55	Extension for reply within first month	[]
2252	210	Extension for reply within second month	[]
2253	475	Extension for reply within third month	[]
2254	740	Extension for reply within fourth month	[]
2255	1,005	Extension for reply within fifth month	[]
2401	165	Notice of Appeal	[]
2402	165	Filing a brief in support of an appeal	[]
2403	145	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
2452	55	Petition to revive -unavoidable	[]
2453	665	Petition to revive - unintentional	[]
2501	665	Utility issue fee (or reissue)	[]
2502	240	Design issue fee	[]
2503	320	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[40.00]
2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	[]
2810	385	For each additional invention to be examined (37 CFR 1.129(b))	[]
2801	385	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing an application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
		Other fee (specify) Statutory Disclaimer	[]

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
2001	385	Utility filing fee	[]
2002	170	Design Filing Fee	[]
2003	265	Plant Filing Fee	[265.00]
2004	385	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$265.00

2. CLAIMS

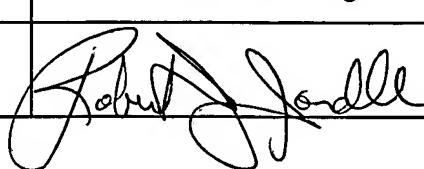
Total Claims	Extra Claims	Fee \$	Fee Paid
Independent	[] - 20** = [] x	\$ 9 = []	
Claims	[] - 3** = [] x	43 = []	
Multiple Dependent Claims	+ []	145 = []	

**or number previously paid, if greater;

SUBTOTAL \$

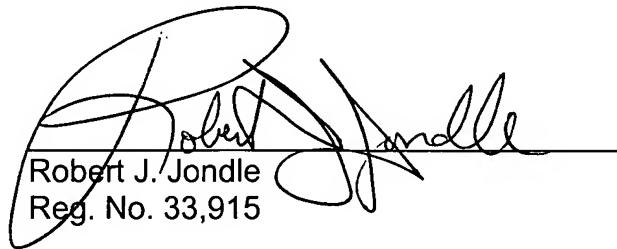
* Reduced by Basic Filing Fee Paid

SUBTOTAL \$40

SUBMITTED BY		Complete (if applicable)		
NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915			
SIGNATURE		DATE	January 30, 2004	DEPOSIT ACCOUNT USER ID

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail EV207753133US in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P. O. Box 1450, Alexandria VA 22313-1450 on January 30, 2004.



Robert J. Jondle
Reg. No. 33,915

January 30, 2004

Jondle & Associates P.C.
9085 East Mineral Circle, Suite 200
Centennial CO 80112
(303) 799-6444